

ESTTA Tracking number: **ESTTA152232**

Filing date: **07/20/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Aesthetica Ltd.
Granted to Date of previous extension	07/22/2007
Address	7 Church StreetDorchester House Hamilton, HM 11 BERMUDA
Attorney information	Daiva K. Tautvydas Christensen O'Connor Johnson Kindness PLLC 1420 5th AvenueSuite 2800 Seattle, WA 98101 UNITED STATES daiva@cojk.com, mrupp@kslaw.com, kalatas@cojk.com, litdoc@cojk.com Phone:206-695-1727

### Applicant Information

Application No	78726916	Publication date	01/23/2007
Opposition Filing Date	07/20/2007	Opposition Period Ends	07/22/2007
Applicant	Revance Therapeutics, Inc. 2400 Bayshore Parkway, Suite 100 Mountain View, CA 94043 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. All goods and sevicees in the class are opposed, namely: Eye gels and creams, face creams and lotions and body creams and lotions for cosmetic uses
Class 005. All goods and sevicees in the class are opposed, namely: Eye gels and creams, face creams and lotions and body creams and lotions for medical uses

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2920018	Application Date	06/25/2003
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Registration Date	01/18/2005	Foreign Priority Date	NONE
Word Mark	RELOXIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2004/09/29 First Use In Commerce: 2004/09/29 Pharmaceutical preparations for the treatment of glabellar lines, facial wrinkles, asymmetries and defects and conditions of the human skin		

Attachments	2977_Notice_of_Opposition.pdf ( 4 pages )(27771 bytes )
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Signature	/Daiva K. Tautvydas/
Name	Daiva K. Tautvydas
Date	07/20/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: Revance Therapeutics, Inc.

International Classes: 3 and 5

Serial No.: 78/726,916

Published for Opposition: January 23, 2007

Filed: October 5, 2005

Mark: RELASTIN

Attorney Docket No.: ASTH-6-2977

Goods: Eye gels and creams, face creams and lotions and body creams and lotions for  
cosmetic uses, in International Class 3.

Eye gels and creams, face creams and lotions and body creams and lotions for  
medical uses, in International Class 5.

Aesthetica Ltd.,

Opposer,

v.

Revance Therapeutics, Inc.,

Applicant.

No. \_\_\_\_\_

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD:

Aesthetica Ltd. (hereinafter "Opposer"), a corporation organized under the laws of  
Bermuda, having a place of business at Dorchester House, 7 Church Street, Hamilton, HM 11,  
Bermuda, and a place of business in the United States at 8125 North Hayden Road, Scottsdale,  
Arizona 85258, believes that it will be damaged by registration of the mark RELASTIN, shown  
in U.S. Trademark Application Serial No. 78/726,916, filed on October 5, 2005, and hereby  
opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. On information and belief, Revance Therapeutics, Inc. (hereinafter "Applicant") is a Delaware corporation, having an address of 2400 Bayshore Parkway, Suite 100, Mountain View, California 94043.

2. On information and belief, Applicant is the owner of U.S. Trademark Application Serial No. 78/726,916, filed on October 5, 2005, for the mark RELASTIN, for eye gels and creams, face creams and lotions and body creams and lotions for cosmetic uses, in International Class 3; and for eye gels and creams, face creams and lotions and body creams and lotions for medical uses, in International Class 5.

3. U.S. Trademark Application Serial No. 78/726,916 was filed based on Applicant's intention to use the mark RELASTIN in commerce in the United States.

4. Upon information and belief, Applicant is now using the mark RELASTIN in commerce in the United States.

5. Upon further information and belief, Applicant began using the mark RELASTIN in commerce in the United States after the filing date of its RELASTIN application, namely, after October 5, 2005.

6. Opposer is the owner of the trademark RELOXIN, in the United States, and U.S. Trademark Registration No. 2,920,018 therefore, filed on June 25, 2003, and issued on January 18, 2005.

7. The mark RELOXIN was first used by Opposer in the United States, through its predecessor in interest, at least as early as September 29, 2004, and was first used by Opposer in commerce in the United States, through its predecessor in interest, at least as early as September 29, 2004.

1           8.       Opposer, through its predecessor in interest, has used the mark RELOXIN in  
2 commerce in the United States in connection with pharmaceutical preparations for the treatment  
3 of glabellar lines, facial wrinkles, asymmetries and defects and conditions of the human skin,  
4 since a date long prior to any date upon which Applicant can rely.

5           9.       Upon information and belief, the goods of Applicant and Opposer are intended to  
6 diminish lines and wrinkles on human skin.

7           10.      Upon information and belief, the goods of Applicant and Opposer will be offered  
8 to similar customers, and promoted in similar channels of trade.

9           11.      The mark RELASTIN, shown in U.S. Trademark Application Serial  
10 No. 78/726,916, so resembles Opposer's mark RELOXIN in sight, sound and commercial  
11 impression, as to be likely, when applied to the goods of Applicant, to cause confusion or to  
12 cause mistake or to deceive, within the meaning of Section 2(d) of The Lanham Act, 15 U.S.C.  
13 § 1052(d).

14          12.      Additionally, the mark RELASTIN, shown in U.S. Trademark Application Serial  
15 No. 78/726,916, so resembles Opposer's mark RELOXIN, as to falsely suggest a connection with  
16 Opposer when applied to the goods of Applicant, within the meaning and in violation of  
17 Section 2(a) of The Lanham Act, 15 U.S.C. § 1052(a).

18          13.      Opposer will be damaged by the registration sought by Applicant insofar as the  
19 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
20 of the mark RELASTIN, and Applicant's exclusive right to use the mark RELASTIN when, in  
21 fact, Applicant is not entitled to such rights by virtue of Opposer's prior and continuous use of the  
22 RELOXIN mark and Opposer's prior rights established in and to the RELOXIN mark for an  
23 anti-wrinkle preparation.

1           14. Based upon the foregoing, registration of the mark RELASTIN, shown in  
2 U.S. Trademark Application Serial No. 78/726,916, is likely to cause injury and damage to  
3 Opposer.

4           WHEREFORE, Opposer respectfully requests that registration of the mark RELASTIN,  
5 shown in U.S. Trademark Application Serial No. 78/726,916, be denied under Sections 2(a)  
6 and 2(d) of the Trademark Act of 1946, and that this Opposition be sustained.

7           Please direct all correspondence regarding this opposition to **Daiva K. Tautvydas** of  
8 Christensen O'Connor Johnson Kindness<sup>PLLC</sup> at the following address:

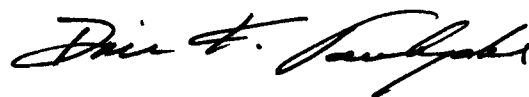
9                               Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
10                              1420 Fifth Avenue, Suite 2800  
11                              Seattle, WA 98101

12           Please direct all telephone calls to Daiva K. Tautvydas at 206-695-1727.

13           Please charge the associated fee in the amount of \$600.00 (\$300.00 per class), as well as  
14 any additional fees or credit any overpayment to Deposit Account No. 03-1740.

15                               Respectfully submitted,

16                               CHRISTENSEN O'CONNOR  
17                               JOHNSON KINDNESS<sup>PLLC</sup>

18                               

19                               Daiva K. Tautvydas  
20                               Registration No. 36,077  
21                               Attorneys for Opposer

22 DKT:skk